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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

Case No. 2009-196

13 **GREGORY LINDSEY JOINER**

14 639 ½ No. Lincoln
Burbank, California 91506

STATEMENT OF ISSUES

15 Applicant/Respondent.
16

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Statement of Issues solely in her official capacity
20 as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **Application History**

23 2. On or about February 25, 2008, the Board received an Application for
24 Licensure by Endorsement from Gregory Lindsey Joiner ("Respondent"). On or about
25 January 25, 2008, Respondent certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application. The Board denied the application on
27 July 16, 2008.

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3. Section 2736 of the Business and Professions Code (Code) provides, in part, that the Board may deny a license when it finds that the applicant has committed "any act constituting grounds for denial of licensure under section 480 of that Code."

4. Code section 480 states, in pertinent part:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

5. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Out-of-State Discipline)

6. Respondent's application is subject to denial under Code section 2761, (4), in that in a disciplinary action before the Alabama State Board of Nursing (the "Board"), in the case entitled, *In the Matter of: Gregory Lindsey Joiner*, effective January 1, 2005, the Alabama Board issued a Consent Order with Findings of Fact placing Respondent's Registered Nurse License No. 1-063872 on suspension for a minimum of three (3) months and by probation for a period of twenty-four (24) months with terms and

1 conditions. The circumstances underlying the disciplinary action are that between October 1,
2 2004, and December 7, 2004, while assigned to Jefferson County Jail, in Bessemer, Alabama,
3 Respondent engaged in substandard practice when he signed the nameS of inmates to health care
4 records and documented nursing assessments on inmates for assessments he had not performed.
5 A copy of the Alabama Board's Consent Order is attached as **Exhibit A**, and is incorporated
6 herein.

7 **SECOND CAUSE FOR DENIAL OF APPLICATION**

8 **(Dishonesty, Fraud, or Deceit)**

9 7. Respondent's application is subject to denial under Code sections 2736,
10 and 480, subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or
11 deceit with the intent to substantially benefit himself, or another, or substantially injure another,
12 as set forth in paragraph 6, above.

13 **THIRD CAUSE FOR DENIAL OF APPLICATION**

14 **(Done Any Acts if Committed by a Licentiate)**

15 8. Respondent's application is subject to denial under Code sections 2736
16 and 480, subdivision (a)(3), in that Respondent committed acts that if done by a licentiate of the
17 business or profession in question, would be grounds for suspension or revocation of a license,
18 under Code section 2761, subdivision (a), and (a)(4), as set forth in paragraphs 6 and 7, above.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Gregory Lindsey Joiner for a registered nurse license; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: 3/16/09

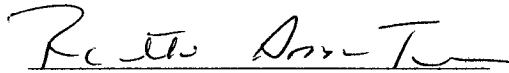

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

Exhibit A

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

GREGORY LINDSEY JOINER

LICENSE NO. 1-063872

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) **CONSENT ORDER**
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)

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that **GREGORY LINDSEY JOINER**, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975, § 34-21-25, and of the Alabama Board of Nursing Administrative Code, § 610-X-8; and Respondent, desiring to avoid the necessity of a formal hearing, do hereby enter into this Consent Order in lieu of proceeding with further disciplinary action. Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

FINDINGS OF FACT

I.

On August 19, 1991, Respondent was licensed by the Alabama Board of Nursing as a Registered Nurse and was so licensed at all times relevant to matters stated herein. Respondent is currently licensed through December 31, 2006.

II.

On multiple occasions between October 1, 2004 and December 7, 2004, while employed by Augmentation, Inc., Birmingham, Alabama, and assigned to Jefferson County Jail, Bessemer, Alabama, the Respondent engaged in substandard practice when he signed the name of inmates to health care records and documented nursing assessments on inmates which he had not

performed. Respondent attributes his actions to work related pressures.

CONCLUSIONS OF LAW

The conduct stated above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice as a Registered Nurse in the State of Alabama pursuant to the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8-.03(6)(a), (b), (d), (g), (h), (l), (q), (x); (12).

ORDER

Respondent's Alabama Registered Nurse License, No. 1-063872, is hereby **SUSPENDED** for a minimum of three (3) months. Upon the Board's receipt of satisfactory documentation of: (a) the required comprehensive evaluation pursuant to Stipulation Number 2 below; (b) successful completion of the educational program as specified in Stipulation Number 4 below; (c) accrual of requisite continuing education credits; and (d) payment of appropriate fees, Respondent's license will be reinstated on **PROBATION** for a period of twenty-four (24) months pursuant to the terms and conditions in this Order. In no event will this period of suspension extend beyond twelve (12) months of the effective date of this Order. Should such occur, Respondent's licensure status will be considered as and listed as revoked.

1. **Return of Wallet ID Card**

Respondent's wallet ID card shall be **immediately** returned to the Alabama Board of Nursing office. Upon reinstatement, Respondent will be issued a wallet ID card which indicates probationary status.

2. **Psychological Evaluation**

Respondent must submit the results of a comprehensive psychological evaluation from a professional therapist licensed in this state who is acceptable to and approved by the Board in

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advance and who has consulted with the Board prior to making the assessment. Respondent must abide by any treatment and other recommendations from the therapist for the duration of this Order unless otherwise authorized in writing by the Board. Respondent shall cause the program to submit to the Board in writing and on the Board-approved form evidence of satisfactory participation and progress. Such reports are due quarterly according to the schedule provided. This is required regardless of whether Respondent is employed in nursing.

3. **Individual/Group Counseling**

Respondent shall participate in a Board-acceptable counseling program. Respondent shall continue in counseling for the duration of this Order unless otherwise authorized in writing by the Board. Respondent shall have the counselor/therapist notify the Board when there is a failure to complete or comply with the course of therapy. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in counseling. Such reports are due quarterly according to the schedule provided. This is required regardless of whether Respondent is employed in nursing.

4. **Education – Completion of Course**

Respondent shall satisfactorily complete a Board-approved course/program on legal/ethical aspects of nursing and provide documentation of completion to the Board. Said course must be satisfactorily completed prior to reinstatement.

5. **Fine**

Respondent shall pay a fine in the amount of **\$500**. This fine must be paid within thirty (30) days of reinstatement.

6. **Self-Report**

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule and must contain a self-

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assessment of current status. This report is required regardless of whether Respondent is employed in nursing. At the Board's discretion, Respondent may be allowed to make verbal contact with Board staff in lieu of a written report.

7. **Restricted Employment**

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency without prior written authorization from the Board or its designee.

8. **Employment - Supervision Restriction**

Respondent shall not be employed as a supervising nurse.

9. **Employment - Monitoring**

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent but should be on site and readily available to provide assistance and intervention in the event the Respondent appears impaired or otherwise unable to safely practice. The Respondent shall work only regularly assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. The Respondent shall not be self-employed or contract for services.

10. **Employment - Notification**

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

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11. **Employment - Evaluation of Performance**

Respondent shall cause the employer to provide to the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Order. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

12. **Employment - Change in Status**

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor.

13. **Not Employed in Nursing**

Periods of time in which Respondent is not employed as a practicing nurse shall be excluded from computation of time to be served on probation, unless determined otherwise by the Board of Nursing or its designee. Employment in fields other than nursing does not relieve Respondent from compliance with all other terms and conditions of this Order.

14. **Alabama Licensure Status**

Respondent must maintain a current license at all times during the period of probation. If for any reason Respondent allows the nursing license to lapse/expire, such may be cause for disciplinary action.

15. **Notification of Board**

If Respondent is arrested by any law enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the Board any relapse as well as any disciplinary action issued by an employer. Should Respondent

test positive on any drug screen conducted by an employer, an employee assistance program, court- referral program or other entity, the Respondent shall immediately report such to the Board.

16. **Change of Address**

Respondent shall immediately notify the Board, in writing, of any change of address.

17. **Relocation**

The Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must inform that state's board of nursing as to licensure status and may request of the Alabama Board to transfer monitoring to the other state. If monitored by another state, Respondent must successfully complete all requirements of the Board Order of the other jurisdiction in order to fulfill the terms of this Order. Respondent must submit to the Alabama Board a copy of the Order from the other state and official notification of successful completion or unsuccessful termination thereof. The Board retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

18. **Personal Interview**

Respondent shall appear in person for interviews at the request of the Board or Board designee.

19. **Obey the Laws**

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A conviction on any criminal charge pending at the time of the signing of this Order may result in further disciplinary action. Any arrest subsequent to the signing of this Order may result in further disciplinary action.

20. **Release of Records and Information**

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Order and public safety. This

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includes communication with Respondent's employer (existing and prospective) regarding non-compliance and other concerns. Respondent also agrees to execute all appropriate release of information forms so as to allow all healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

21. **Violation**

Any deviation from the requirements of this Order without the written consent of the Board shall constitute a violation of this Order and will be cause for disciplinary action.

22. **Subsequent Practice Act Violation**

Should supplemental cause for disciplinary action arise during the period of this Order such is cause for disciplinary action.

23. **Fraudulent Acts During Period of Order**

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Order.

24. **Termination of Order**

This Order shall terminate only upon receipt of documents to satisfy all terms and conditions of this Order, including receipt of official court records documenting successful completion of court-ordered probation, pretrial diversionary-type program, drug court, etc., where applicable. This period of probation will not terminate until notification by the Board to Respondent in writing that all terms and conditions have been met and the probation has been completed.

25. **Public Information**

This Order is public information. All disciplinary actions of the Board will be reported to all required data banks.

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26. **Effective Date**

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.

27. **Final Order**

This Order is subject to full Board consideration and acceptance before it shall be final.

EXECUTED on this the 24 day of June 2005


GREGORY LINDSEY JOINER

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 16th day of September 2005


N. GENELL LEE, RN, MSN, JD
EXECUTIVE OFFICER
ALABAMA BOARD OF NURSING